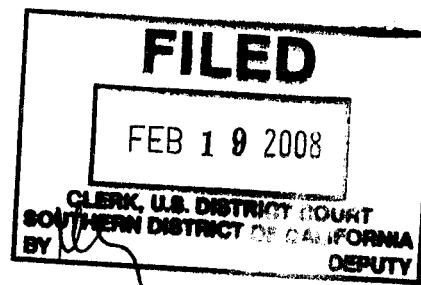


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2 United States Attorney  
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5 San Diego, California 92101  
Telephone: (619) 557-6549

7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA



17 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
18 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and  
19 Douglas Keehn, Assistant United States Attorney, and defendant JAMES GREGORY DAVIS, by  
20 and through and with the advice and consent of defense counsel, Kris J. Kraus, Federal Defenders  
21 of San Diego, Inc., that:

28 //

WDK:psd:2/5/08

1

1           2.    Defendant acknowledges receipt of a plea agreement in this case and agrees to  
 2 provide the signed, original plea agreement to the Government not later than five business days  
 3 before the disposition date set by the Court.

4           3.    Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
 5 before **March 5, 2008**.

6           4.    The material witness, Irma Rosendo-Granados, in this case:

7           a.    Is an alien with no lawful right to enter or remain in the United States;  
 8           b.    Entered or attempted to enter the United States illegally on or about  
 9 February 1, 2008;

10           c.    Was found in a vehicle driven by defendant at the San Ysidro, California Port  
 11 of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that she was an  
 12 alien with no lawful right to enter or remain in the United States;

13           d.    Was paying \$3,500 to others to be brought into the United States illegally  
 14 and/or transported illegally to her destination therein; and,

15           e.    May be released and remanded immediately to the Department of Homeland  
 16 Security for return to her country of origin.

17           5.    After the material witnesses are ordered released by the Court pursuant to this  
 18 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
 19 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
 20 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

21           a.    The stipulated facts set forth in paragraph 4 above shall be admitted as  
 22 substantive evidence;

23           b.    The United States may elicit hearsay testimony from arresting agents  
 24 regarding any statements made by the material witness(es) provided in discovery, and such testimony  
 25 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
 26 of (an) unavailable witness(es); and,

27           //

28           Stipulation of Fact and Joint Motion for Release of  
 Material Witness(es) And Order Thereon in  
 United States v. James Gregory Davis

5       6. By signing this stipulation and joint motion, defendant certifies that defendant has  
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
7 further that defendant has discussed the terms of this stipulation and joint motion with defense  
8 counsel and fully understands its meaning and effect.

9       Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
10 immediate release and remand of the above-named material witness(es) to the Department of  
11 Homeland Security for return to her country of origin.

12 It is STIPULATED AND AGREED this date.

Respectfully submitted,

~~KAREN P. HEWITT  
United States Attorney~~

16 || Dated: 2/19/08

**DOUGLAS KEEHN**  
Assistant United States Attorney

18 Dated: 2-14-08

~~KRIS J. KRAUS~~  
Defense Counsel for DAVIS

21 Dated: 2-14-08

JAMES GREGORY DAVIS  
Defendant

## ORDER

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and

**IT IS ORDERED** that the above-named material witness(es) be released and remanded

forthwith to the Department of Homeland Security for return to her country of origin.

SO ORDERED.

Dated: 2/19/2008

Robert Brown

United States Magistrate Judge